HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.3041 OF 1999

DATED: 4.8.2005

Between:

K. Jammulu

… Petitioner

and

The District Collector, Mahabubnagar, and

another

… Respondents

ORAL ORDER:

This writ petition has been filed, questioning the proceedings No.D9/6901/98 dated 26.11.1998, passed by the 1st respondent-District Collector, Mahabubnagar, cancelling the caste certificate issued to the petitioner.

Based on a representation made by the Member of Parliament, Nagarkurnool,

proceedings were initiated against the petitioner, for cancelling the caste certificate issued to him earlier. The impugned order has been passed, basing on enquiry report submitted by the 2nd respondent-Revenue Divisional Officer, Mahabubnagar. It is the case of the petitioner that the 2nd respondent did not conduct any enquiry and no notice was issued to him, before the report is prepared.

Though this writ petition is of the year 1999, no counter affidavit is filed, disputing the said averment of the petitioner herein. Even from a reading of the impugned order, it is clear that though the petitioner was given an opportunity at the stage of passing of final order, but reliance is placed entirely on the report submitted by the RDO, for passing the impugned order of cancellation of caste certificate.

As per Section 5 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), the Collector is the competent authority for cancelling the fake/false community certificates. But however, when enquiry is ordered to be conducted by RDO, the RDO has to conduct enquiry by issuing notice to the person affected. In that view of the matter, the impugned order, which is passed basing on an ex parte report submitted by the RDO, is in violation of principles of natural justice. On this sole ground alone, the impugned order is liable to be set aside.

Accordingly, this writ petition is allowed and the impugned order dated 26.11.1998, passed by the 1st respondent-District Collector, Mahabubnagar, is quashed. No order as to costs.

4.8.2005

CVM